

**Raymond Planning Board Minutes
September 16, 2010**

Approved 10/14/2010

Place: Raymond High School; Media Center
Call to Order: 7:00 p.m.

Members Present: Jonathan Wood, Chairman; Carolyn Matthews, Vice Chairman; Bill Hoitt, Board of Selectmen Ex-officio; Gretchen Gott; Jim Kent, Don Hedman, Alternate.

Staff Present: Ernest Cartier Creveling, Community Development Director; Robert Price, Planning Technician.

Pledge of Allegiance

Approval of Minutes

Members Sitting for Approval of Minutes: Jonathan Wood; Carolyn Matthews; Bill Hoitt; Gretchen Gott; Jim Kent; Bill Cantwell.

MOTION: Mr. Kent made a motion, seconded by Ms. Gott, to approve the minutes of August 05, 2010 as amended. The motion carried with a vote of 4-0-2, with Mr. Cantwell and Ms. Matthews abstaining.

MOTION: Ms. Matthews made a motion, seconded by Mr. Cantwell, to approve the minutes of August 12, 2010 as amended. The motion carried with a vote of 5-0-1, with Mr. Hoitt abstaining.

MOTION: Mr. Cantwell made a motion, seconded by Mr. Kent, to approve the minutes of August 19, 2010 as amended. The motion carried with a vote of 5-0-1, with Ms. Matthews abstaining.

MOTION: Mr. Cantwell made a motion, seconded by Ms. Matthews, to approve the minutes of September 02, 2010 as amended. The motion carried with a unanimous vote of 6-0-0.

Public Hearing – Thibeault Sand & Gravel, LLC Excavation Permit

Continued from 08/19/2010; Application #2010-005: *An application for an earth excavation permit has been submitted by Thibeault Sand & Gravel, LLC. The applicant is proposing a sand and gravel excavation to occur on Raymond Tax Map 32, Lots 43 & 68, Map 37, Lots 43 & 68, Map 37, Lot 2, and Map 38, Lots 12 & 13; accessed via NH Route 27.*

Ms. Matthews announced she must recuse herself from this case as she lives in the affected neighborhood. Mr. Wood noted that Mr. Hedman will not be seated, as he is a direct abutter.

Members Sitting for this Hearing: Jonathan Wood; Bill Hoitt; Gretchen Gott; Jim Kent; Bill Cantwell.

Applicant/Agents Present: Vince Iacozzi, Thibeault Sand & Gravel, LLC.

Abutters/Public Present: Don Hedman; Carolyn Matthews.

Mr. Cartier Creveling explained that Mr. Iacozzi responded, in writing, to the June 04, 2010 letter written by Mr. Price. He added that Mr. Price checked Mr. Iacozzi's responses, and issued a new set of comments, which were distributed to the Board just prior to this hearing.

Mr. Iacozzi stated he attended a hearing in Judge's chambers relating to the other matter currently in Superior Court. On advice from his Legal Counsel, Mr. Iacozzi stated that Thibeault Snad & Gravel, LLC (TSG) needs to follow a different course for this process.

Mr. Iacozzi stated two things came to the forefront in the meeting in chambers. The first is that there is an apparent misconception of aquifer districts. He stated it is the position of TSG that TSG owns the land, the water and the minerals contained underneath. The second is that the Planning Board gave implied property rights to abutters, and certain abutters were given rights to obtain certain information.

Mr. Iacozzi continued by saying tonight he is requesting that the Planning Board table Application #2010-005, filed by TSG for an excavation permit for Map 32, Lots 43 & 68, Map 37, Lot 2, and Map 38, Lots 12 & 13 until such time as all other current litigation is settled. He stated the reason is because things are becoming too difficult to understand, and by tabling this application until all other litigation is settled, this application can have a clean slate for review.

Mr. Wood stated when this application is put back on the table, he would like for the plans to be completely updated and revised to take into account all work completed to date. Mr. Iacozzi agreed.

Mr. Wood stated the Board has had a long-standing concern that there is vacant, un-reclaimed land on this site. He stated regardless of property rights, the Statutes mandate that land will be restored within two years, and in this case, it has been over two years. He asked what happens now. Mr. Iacozzi stated in this case, TSG will do a temporary stabilization of the work area, to include temporary spreading of top soil and seeding. Mr. Wood asked when this will begin. Mr. Iacozzi replied it can begin prior to winter 2010. He added focus will be on the easterly pond area first.

Ms. Gott asked why the focus will not be on both pond areas. Mr. Iacozzi replied by saying whatever areas are open and exposed will be taken care of. Areas that are overgrown will be left in tact.

MOTION: Mr. Cantwell made a motion, seconded by Mr. Hoitt, to table Application #2010-005 until such time as all outstanding litigation has been resolved. The applicant will pay for abutter re-notification when ready to proceed. This motion is made with the understanding that stabilization of the site will begin during Fall 2010. Additionally, the applicant understands that the new Excavation Regulations, adopted by the Planning Board on May 20, 2010, will be in effect for the June 2012 excavation compliance reviews. The motion carried with a unanimous vote of 5-0-0.

At this time, Mr. Matthews returned to her seat. Additionally, Mr. Wood seated Mr. Hedman in the place of Mr. Vogel.

Other Business – Southern NH Planning Commission 2010-11 Membership

Members Sitting for this Discussion: Jonathan Wood; Carolyn Matthews; Bill Hoitt; Gretchen Gott; Jim Kent; Bill Cantwell; Don Hedman.

Mr. Wood read two letters; one dated September 01, 2010, and the other dated September 15, 2010, into the record. Each letter was written by David Preece, Executive Director of Southern NH Planning Commission. Both letters are attached to the original set of minutes, on file with the Town Clerk.

Ms. Gott asked if John Vetne, one of the Town of Raymond's SNHPC Commissioners, was notified of this discussion. Ms. Matthews stated she attempted to contact him, but never heard back.

Ms. Gott asked if Mr. Preece was notified of this discussion. Ms. Matthews stated she believes she did inform him. Mr. Wood stated he did speak with Mr. Preece, adding that Mr. Preece had emailed him the September 15 letter in advance of the meeting.

Mr. Wood stated the Board has spoken briefly about joining another Regional Planning Commission (RPC) or not joining an RPC and using RPC services on a "pay as you go" basis. Ms. Gott clarified that each community is required to declare which RPC they wish to affiliate with; however the community is not required to pay membership dues.

Mr. Kent asked what the other RPC choices would be, and what their membership dues are. Ms. Gott stated SNHPC is, if not the lowest of all RPCs, then it is one of the lowest. She stated she did not know Rockingham Planning Commission's fees.

Ms. Gott asked why the Town would consider not affiliating with an RPC. Mr. Kent agreed, stating that the Town cannot hire staff to equal the return received with a \$6,800 investment. He added it would be foolish not to belong to any RPC, however the discussion as to which one remains open.

Mr. Cantwell stated he is very concerned with the quality of some of the work the Town has seen from SNHPC. He agrees that the return for the cost is unquestionable, but the end products should be better. He stated he is uncertain if the quality would improve with a different RPC.

Ms. Matthews stated she feels it is critical for the Town to affiliate with an RPC. She stated Raymond is on the fringe of the SNHPC region, and Raymond's issues are generally seacoast-related. She stated Raymond's watershed issues lie to the east. Economic competition is with Epping, to the east. The type of economic development Raymond wants is light manufacturing on the order of medical equipment, which is driven by the Portsmouth area, to the east. Lastly, Elmer Pease, the developer for the Exit 4 Project (Granite Meadows) has indicated in the past that he feels the population that would be in line to purchase his condos would come from the east.

Ms. Matthews stated in terms of quality of work, she has been directly involved with the Master Plan, Hazard Mitigation Plan and Fluvial Erosion. She stated Jillian Harris did the Hazard Mitigation Plan, and that experience was outstanding. Jack Munn did the Master Plan and the Fluvial Erosion work. Ms. Matthews noted that the mapping work done for Fluvial Erosion was

also outstanding. She added Mr. Munn was also involved with the Riparian Buffers Ordinance and Sourcewater Protection Plan. She stated the Buffers Ordinance was originally due in December 2008 per the contract. The question is why the Town just now seeing a final product. The Town needs to hear from SNHPC as to why this took so long.

Mr. Hedman stated he is new to the Board, and has not really been involved with SNHPC as yet, but he is looking at the grant items in the September 15 letter (items 12 & 26). He asked if Raymond was not affiliated with SNHPC, then how would these items have been affected. Mr. Cartier Creveling stated he is not convinced that the Town would not have been eligible. He stated in the beginning, communities were assigned to RPCs. The choice is whether to pay dues, or to not pay dues and not be represented. He went on to explain what each \$10,000 CTAP grant was spent on (Master Plan, Metro Center and Exit 5).

Mr. Kent asked if the Conservation Commission was sent a copy of the September 15 letter, as many items listed pertain to them. He asked if they, too, should have a voice in this discussion.

Ms. Gott asked who's purview it is to decide on which RPC to affiliate with – Planning Board or Board of Selectmen. Mr. Cartier Creveling stated he would have to look into that.

Mr. Wood stated the Planning Board may not vote to leave or stay with SNHPC today, but this conversation needed to take place in order to air out the concerns that the Board has had with SNHPC over the past few years.

Mr. Cartier Creveling stated the value of an RPC is undisputable. The problems lie with individual projects that have been done for the Town. He stated Planning Commissions deal with many communities and have limited staff. The Board needs to better understand the ability of the Planning Commission to do the work for which it is tasked with good quality and in a timely manner. He added it may not be the best idea to use an RPC to do a Master Plan again, but smaller projects could work just fine.

Mr. Cantwell stated many items listed in the September 15 letter would have happened with or without Raymond. He suggested interviewing another RPC to see what they could offer.

Ms. Gott requested Mr. Wood voice his personal concerns. Mr. Wood stated the Town has received a lot of services from SNHPC, and the quality has varied from excellent to somewhat poor. The Master Plan was a torturous experience and part of the reason is because the Town opted not to go with the consultant who prepared the previous Master Plan. He stated he asked Mr. Preece, in the midst of the Master Plan process, to read what was produced to see the number of errors. Once this occurred, SNHPC responded and the quality improved. He added that \$6,800 is not a lot of money, but his concern is with the Budget Committee, which is looking to cut spending all sorts of places, and they would love to cut this.

Mr. Wood added that SNHPC is highly sensitive to grant funds, and they are much better at locating and applying for them than is the Town. He also stated that the main concern is with the quality of the products received. He stated the Board needs to keep after them for quality issues. When poor quality is received, the Board needs to point it out to Mr. Preece so it can be addressed.

Mr. Wood stated Raymond would be on the outer edge of any RPC it chooses, be it SNHPC, Rockingham Planning Commission or Strafford Regional Planning Commission. While Ms. Matthews has compelling arguments to move to the east, the fact remains that Raymond is located between Manchester and Portsmouth, and Manchester is closer.

Ms. Gott stated she agrees that quality issues exist, but the Board and staff have a hand in that, as well. The Master Plan was difficult due to personality conflicts, and an ineffective ability to work together. No matter what direction the Board takes, it needs to fix the way it works with the organization, or it will not receive a good product.

Mr. Cartier Creveling outlined the concerns he had with the Economic Revitalization Zone applications, noting specifically that the applications were initially riddled with errors. The main concern, however, was the mislabeling of numerous sites as brownfield sites through the, what he perceives as intentional misreading of a definition, in an attempt to make the applications look better. He noted he spoke with the Department of Resources and Economic Development (DRED) and they confirmed to him that, had the applications been submitted as originally crafted, then DRED would have picked up on the mislabeling. DRED confirmed that Mr. Cartier Creveling was right to question the listing of the sites as brownfields.

Mr. Hedman stated he feels this situation can be equated to home insurance. When renewal time comes, you will shop around for the best value for your money. Perhaps other options should be reviewed to ensure that the Town is truly receiving the best value for its investment. Another option may be more expensive, but perhaps their staff is better.

Mr. Kent stated the Town is a consumer, and it has an obligation to do research. Perhaps the Master Plan was an inappropriate project to give to SNHPC.

Ms. Matthews reiterated her concerns with the lateness of the Buffers Ordinance, adding that problems exist with other projects as well. She added that the struggles with Fluvial Erosion were likely with the fact that Raymond was the first Town in New Hampshire to attempt it.

Mr. Wood noted he intends to resign his position as an SNHPC Commissioner.

The Board directed Raymond's SNHPC Commissioners (Ms. Gott, Mr. Vetne and Mr. Wood, if still active), and also Mr. Cartier Creveling to meet with Mr. Preece and inform him that SNHPC is "on probation" so to speak. Additionally, the Board requested that a copy of these meeting minutes, once approved, are to be forwarded to Mr. Preece so he can see this discussion.

Other Business – Raymond Baptist Church

Mr. Hedman announced he will recuse himself from this discussion.

Members Sitting for this Discussion: Jonathan Wood; Carolyn Matthews; Bill Hoitt; Gretchen Gott; Jim Kent; Bill Cantwell.

Mr. Cartier Creveling stated a question came before the Board regarding the desire of the Raymond Baptist Church to move offices into an existing building. After researching the issue, it was concluded that there is virtually no outside change outside of the addition of an accessibility ramp. Staff feels that a building permit and meeting Code requirements are the only steps

needed – minor site review is not required. No additional capacity is being added to the other buildings. He added that he will write a letter to the file describing this process.

Mr. Hedman returned to his seat at this time.

Other Business

Members Sitting for this Discussion: Jonathan Wood; Carolyn Matthews; Bill Hoitt; Gretchen Gott; Jim Kent; Bill Cantwell; Don Hedman.

The Board heard reports from its members serving on other Boards and Committees.

Adjournment

MOTION: Mr. Cantwell made a motion, seconded by Ms. Matthews, to adjourn. The motion carried with a unanimous vote of 7-0-0. The meeting adjourned at 9:02 p.m.

Respectfully submitted,

Robert Price
Planning Technician